IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

LA.App..No. 104 of 2007()

LAR.84/1999 of II ADDL.SUB COURT,TRIVANDRUM
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APPELLANT: IST RESPONDENT IN THE LAR

STATE OF KERALA, REP. BY DISTRICT
COLLECTOR, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

RESPONDENTS: CLAIMANTS IN THE LAR
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1. JAFFER.K., T.C.35/882,
N.S.DEPOT, VALLAKKADAVU, THIRUVANANTHAPURAM.

2. THE DIRECTOR, INTERNATIONAL AIRPORT
AUTHORITY OF INDIA, INTERNATIONAL AIRPORT
AUTHORITY, THIRUVANANTHAPURAM.

BY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.104 of 2007 &
C.M.Appln.No.141 of 2007

Dated this the 10th day of October, 2007

JUDGMENT

Kurian Joseph,J.

C.M.Appln.No.141/2007 is filed for condoning the delay of 401 days in filing the appeal. On merits it is seen that the appeal is filed against the judgment and decree in L.A.R.No.84/1999 on the file of the Sub Court, Thiruvananthapuram. The acquisition is for Trivandrum Air Port. Though the claimants attempted to place reliance on Ext.A1 judgment in L.A.R.No.88/1998, the reference court rightly rejected the same observing that the properties belonged to two different categories running to two different villages. However, on considering the evidence available on record and having regard to the undisputed importance of the acquired property which is situated very near to the Government institutions and commercial plots, the reference court granted 30% enhancement over and above the value fixed by the Land Acquisition Officer. The extent involved in this case is only 1 Are and 28 Sq.Metres. In the facts and

circumstances of the case we are of the view that such enhancement in respect of a small block is only just and reasonable. Therefore, there is no merit in the appeal. Accordingly the petition to condone the delay in filing the appeal and the appeal are dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.104 of 2007&
C.M.Appln.141 of 2007

JUDGMENT

10th October, 2007